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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/743,688

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EXAMINER

TUGBANG, ANTHONY D

ART UNIT

PAPER NUMBER

3729

MAIL DATE

DELIVERY MODE

06/27/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/743,688	Applicant(s) RUDEN ET AL.	
	Examiner A. Dexter Tugbang	Art Unit 3729	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19 and 21-41 is/are pending in the application.
- 4a) Of the above claim(s) 24,25,28,29,34,35 and 37-41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19,21-23,26,27,30,31,32,33,36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The applicant(s) amendment filed on March 3, 2008 has been fully considered and made of record.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Election/Restrictions

3. The restriction requirement of June 8, 2007 is hereby repeated and maintained.
Furthermore, a new group has been added as a direct result of the amendment filed on March 3, 2008:

Group VI, Claims 40 and 41, drawn to a method of applying a *clamp* to a disc member.

4. Claims 24, 25, 28, 29, 34, 35, 37 through 39 continue to stand as being withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on August 8, 2007.

5. Newly submitted Claims 40 and 41 are directed to an invention that is independent or distinct from the invention originally claimed for the reasons set forth above and that these claims are in a separate and distinct group, i.e. Group VI.

Since applicant(s) have received an action on the merits for the originally presented invention (i.e. Group I), this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, Claims 40 and 41 have been withdrawn from

consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Response to Arguments

6. The applicant(s) arguments, see page 12 of response filed on March 3, 2008, with respect to the rejection(s) of claim(s) 19 and 30 under 35 U.S.C. 102 and 103, have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made as follows.

Claim Rejections - 35 USC § 102

7. Claims 19, 26, 27, 30 and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by McKenzie et al 6,421,199.

McKenzie discloses a method comprising: providing a rotatable hub (e.g. 404) with a central axis (in Fig. 6), the hub supporting a disc member (e.g. 402) having an annular track (from servo track writing, STW) with a center of rotation offset from the central axis (as a result of gap 409); and imparting a bias force on the disc member to align the center of rotation of the track (e.g. STW on the disc surface) with the central axis of the rotatable hub by contactingly engaging the disc member with a flexible cantilevered finger (e.g. solenoid plunger with a soft tip) of a biasing tool (col. 6, lines 28-37).

With respect to Claim 30, McKenzie discloses that the disc member (e.g. 402) is provided with at least one annular track (e.g. STW) having a track center (i.e. center of the ID of the disc member).

Regarding Claim(s) 26, 27, 36 and 37, McKenzie further teaches that the finger comprises a proximal end (narrowed end portion of 412), which extends from a main body portion in a first direction (e.g. horizontally to the right in Fig. 6), and a disc engagement region (e.g. the OD of the disc 402), which extends from a distal end of the finger during contact in a second direction (substantially normal direction, as a result of the rotation of the disc).

Claim Rejections - 35 USC § 103

8. Claims 21 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKenzie et al.

McKenzie, as relied upon above, discloses the claimed manufacturing method, further including that the disc member is a first member, providing a second disc member, imparting a first bias force upon the first disc member using the first finger of the biasing tool, imparting a second bias force on a second disc member using a second finger of the biasing tool, the second biasing force aligning a center of rotation of a second annular track on the second disc member with the central axis of the rotatable hub (col. 7, lines 46+).

It is unclear whether or not McKenzie's steps of imparting the first bias force and imparting the second bias force are done "concurrently". However, it would have obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of McKenzie by imparting the first and second bias forces "concurrently", at least to the extent of performing the very same function of aligning all of the disc members with the hub, thereby saving manufacturing time.

9. Claims 22, 23, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKenzie et al in view of Yoo et al 6,971,154.

McKenzie discloses the claimed manufacturing method as relied upon above in Claims 19, 21, 30 and 31. However, McKenzie does not teach concurrently deflecting first and second biasing members.

Yoo teaches a disc member aligning process that includes a main body portion (e.g. 230 in Fig. 6) that advances toward a central axis of a disc member and concurrently and independently deflects first and second biasing members (e.g. 241, 243, col. 5, lines 3-26). The purpose of the main body portion and first and second biasing members of Yoo is to balance and align disc members (col. 2, lines 29+).

Therefore, it would have obvious to one of ordinary skill in the art at the time the invention was made to have modified the main body portion of McKenzie by adding the first and second biasing members, as taught by Yoo, to advantageously balance and align each disc member.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to A. Dexter Tugbang whose telephone number is 571-272-4570. The examiner can normally be reached on Monday - Friday 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3729

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/A. Dexter Tugbang/
Primary Examiner
Art Unit 3729**

June 19, 2008